

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR PUBLIC UTILITIES COMMISSION

In the Matter of Application of Enbridge Pipelines (North Dakota) LLC for a Certificate of Need for a Large Energy Facility for the North Dakota System Expansion Phase VI	SUMMARY OF PUBLIC TESTIMONY
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This matter came on for a public hearing before Administrative Law Judge Beverly Jones Heydinger on October 24, 2008, at 6:00 p.m. at the Crookston American Legion, 102 South Ash Street, Crookston, Minnesota. The hearing was held to take public comment regarding the proposed construction of additional pumping equipment at three of Enbridge Pipelines' existing pumping stations, at Crookston, Brooks and Clearbrook, Minnesota.

John R. Gasele, Fryberger, Buchanan, Smith & Frederick, P.A., appeared on behalf of Enbridge Pipelines (North Dakota) LLC (Enbridge), accompanied by Brent J. Horton, Enbridge Project Manager, and Jeff Mackenthun, Environmental Consultant. Bret Eknes appeared as the staff representative for the Public Utilities Commission.

The Applicants are required to seek a Certificate of need pursuant to Minn. R. 7853.0130 D. The Public Utilities Commission concluded in its Order Finding Application Substantially Complete, Initiating Review Process, and Delegating Authority to Executive Secretary, issued June 19, 2008, that the application should be examined and acted upon through informal proceedings, and referred the case to the Office of Administrative Hearings to conduct a public hearing, as required by Minn. Stat. § 216B.243, subd. 4.

No members of the public attended the public hearing. After the hearing, the record remained open for ten days to allow all interested persons to submit written comments. No members of the public filed a written comment. The record closed on October 31, 2008.

NOTICE

This report contains a summary of public testimony. It is not a final decision. Pursuant to Minn. R. 7849.5720, the Commission will make the final determination of

the matter within 60 days after the receipt of the record from the administrative law judge.

PROCEDURAL HISTORY

1. Enbridge owns and operates a 330-mile crude oil gathering and 620-mile interstate pipeline transportation system that gathers crude oil from points near producing wells in 36 oil fields in North Dakota and Montana. On March 31, 2008, Enbridge filed an application with the Commission for a certificate of need to upgrade three existing pumping stations located in Minnesota, serving its crude oil pipeline.

2. On April 3, 2008, the Commission issued a notice soliciting comments on the completeness of the application, and on April 22, 2008, extended the time period for determining completeness.

3. On April 21, 2008, the Office of Energy Security (OES) of the Minnesota Department of Commerce filed comments, and the matter came before the Commission on June 12, 2008.

4. On June 19, 2008, the Commission issued an Order requesting that the Office of Administrative Hearings conduct a public hearing to take public testimony concerning the application.¹

5. On October 3, 2008, the Commission gave advance notice of the public hearing to persons on the service list, and on October 12, 2008, notice was published in the State Register, 33 S.R. 672.

6. Notice of the Public Hearing was published in local newspapers:
October 8, 2008 – Exponent – East Grand Forks (Polk County)
October 8, 2008 – Crookston Daily Times (Polk County)
October 9, 2008 – Grand Forks Herald – Morning Edition (Polk County)
October 8, 2008 – The Leader Record (Clearwater County)
October 8, 2008 – Farmers Independent (Clearwater County)²

7. On October 23, 2008, the Administrative Law Judge convened the public hearing and explained that its purpose was to solicit public comments regarding the need for the proposed upgrade of the three existing pumping stations.

SUMMARY OF PUBLIC TESTIMONY

No members of the public attended the hearing.

¹ See, Order Finding Application Substantially Complete, Initiating Review Process, and Delegating Authority to Executive Secretary, June 19, 2008.

² Affidavits of Publication were filed by John R. Gasele on November 11, 2008.

SUMMARY OF WRITTEN COMMENTS

There were no written comments submitted to the Administrative Law Judge by the published deadline to submit comments, October 31, 2008.

Dated: November 14, 2008

s/Beverly Jones Heydinger
BEVERLY JONES HEYDINGER
Administrative Law Judge